CITY OF HOLLISTER GROWTH MANAGEMENT ORDINANCE

Project Rating Scale



Introduction

In 2002, the voters of the City of Hollister approved a growth management initiative. In order to codify this voter approved initiative, the Hollister City Council approved an ordinance enacting the City's Growth Management Program. This ordinance requires that a project rating scale be adopted by the City Council for use by the Planning Commission in its competitive evaluation and ranking of proposed projects. This document provides project scoring criteria to be used as part of a proposed ranking system for consideration by the Hollister City Council.

Hollister Growth Management Program

The Growth Management Program is defined in Chapter 16.64 of the City of Hollister Municipal Code and is included as Appendix A of this document. As stated in the Declaration of Intent (Section 16.64.010), the Growth Management Program provides the following five stated intents:

- to encourage a rate of residential growth within the city which will not exceed the city's ability to provide adequate and efficient public services, including sewer, water, police, fire, streets, parks, general administration and maintenance of public facilities, or the ability of the local economy, including the city's financial capacity, to support such growth, maintain and improve the quality of the environment considering the city's natural setting, including water courses, viable agricultural/open lands, recreational, historic and scenic areas;
- 2) to encourage and promote a balanced community with adequate housing to meet the needs of local employment and residents;
- 3) to encourage the construction of an appropriate share of the regional need for housing:
- 4) to encourage and promote housing programs and activities to enable the city to meet the needs of all economic segments of the community, including the provision of adequate levels of rental housing; and
- 5) provide and maintain a sound economic base for the city.

The Growth Management Section of the Hollister Municipal Code includes the following additional sub-chapters for further reference:

- 1) 16.64.020 Application of article
- 2) 16.64.025 Definitions
- 3) 16.64.030 Exemptions
- 4) 16.64.040 Growth limits
- 5) 16.64.045 Growth limit established
- 6) 16.64.050 Residential development projects
- 7) 16.64.055 Applications for residential development allocations
- 8) 16.64.070 Project rating scales
- 9) 16.64.080 Competitive evaluation and assignment of build-out schedule
- 10) 16.64.085 Growth limit allocations
- 11) 16.64.090 Agreement to perform

- 12) 16.64.100 No vested rights
- 13) 16.64.110 Existing projects Special unit allocations
- 14) 16.64.115 Hardship allocations
- 15) 16.64.120 Development agreements
- 16) 16.64.130 Judicial review

It should be noted that Section 16.64.30 specifically identifies residential projects that are exempted from the Growth Management Program. These exemptions include the following:

- 1) Replacement residential units or the relocation of an existing dwelling unit to a legal lot of record;
- 2) Single family residential units to be constructed on single legal lots or record in existence prior to July 1, 2000;
- 3) Secondary residential units subject to the provision of Section 17.44.180 of the code.

In addition, Section 16.64.025 provides the following definitions to types of residential projects that are covered by this ordinance:

- 1) <u>Affordable Housing:</u> housing units affordable to families with incomes at or below one-hundred-twenty (120) percent of the county median income, including very low, low, medium and moderate income units.
- 2) <u>Below Market Rate Housing</u>: housing units with prices or rental levels established at less than market rate, and affordable to families with incomes above one-hundred-twenty (120) percent of the county median income.
- 3) <u>Market Rate Housing</u>: housing units selling or renting for prices or levels set by the housing market.
- 4) <u>Senior Housing</u>: housing that is available only to seniors, in accordance with state and federal housing laws and guidelines.
- 5) <u>Small Residential Project</u>: A residential project consisting of no more than eight single family residential units or lots, or a subdivision of land into no more than eight lots.

Proposed Rating Process Overview

Based on the Growth Management Program Ordinance, the City of Hollister will be responsible for conducting an evaluation process for proposed residential projects. The evaluation process will be initiated by the City with a request for Residential Development Applications under Measure U. Once the City opens the application process, potential applicants will have approximately three months to prepare and submit applications. After the application period has closed, the City will begin the evaluation process and will rank the applications according to the rating criteria provided.

The Rating Criteria is grouped into five (5) categories: a) Conformance with Land Use Goals, General Plan compliance and the provision of Critical Infrastructure; b) satisfying the need for balanced Transportation/Circulation; c) the utilization of Green Building Concepts; d) providing

for a Housing Density Mix; and e) an ample use of high quality Design Elements (please see Rating Criteria under Exhibit A). The guiding principle for each of the five categories is to provide amenities/elements above and beyond the minimum necessary to satisfy the established requirement. This process will facilitate scoring and ranking of proposed projects. The City of Hollister Planning Commission will make recommendation to the City Council for building unit allocations based on the ranking.

Land Use, General Plan Policy/Critical Infrastructure: The City of Hollister Growth Management Program, Chapter 16.64 of the Municipal Code declares the intent of the City to encourage residential growth that will not exceed the City's ability to provide adequate and efficient public services, including water, sewer, and other public services. The City of Hollister General Plan requires that residential development be located and designed to ensure the general public is safe from flooding, earthquakes and other hazards. In addition, Measure U declares that the project shall be evaluated based on whether the project applicant has guaranteed funding to install any lines or facilities necessary to serve the development, and whether the local systems and/or the transmission facilities as a whole have adequate capacity to serve the development. The project shall be evaluated with reference to its positive or neutral financial impact on the City's ability to provide adequate police and fire services to residents of the development and the City.

Compliance with adopted Zoning and Subdivision Codes alone is an insufficient way for the City to approve residential units because of the high demand. This application process is being implemented to provide high quality development and a high quality of life for Hollister residents.

<u>Transportation/Circulation</u>: The City of Hollister Growth Management Program, Chapter 16.64 of the Municipal Code, in implementing the policies and objectives of the General Plan, declares the intent of the City to encourage projects that add to the circulation network as a whole, providing for the needs of many types of users, including the roadway network and public transit, as well as pedestrians and bicyclists. Projects that lead to a balanced community while maintaining identified levels of service, and high quality transportation infrastructure are important to the City. In addition, Measure U provides that the project be evaluated with reference to its ability to include adequate access to public safety vehicles and safe and efficient circulation.

With the foregoing points in mind, the City of Hollister has identified Rating Criteria that awards points for the provision of a balanced transportation network to serve the community. The construction of streets primarily benefiting the project itself are awarded a lower point score. A higher point score is awarded to projects that complete specific transportation sections or segments, i.e. street connections, bicycle paths, bridges, and other specific improvements identified in the General Plan. Further, points can be achieved by projects that provide additional ancillary improvements to the transportation network or for over-engineered (upsized) infrastructure elements providing for future needs of the City, as well as opportunities for alternative transportation. Circulation efficiency and a balanced transportation network are key.

Green Building Concepts: The City of Hollister Growth Management Program, Chapter 16.64 of the Municipal Code looks to the maintenance and improvement of the environment, considering the City's natural setting, all the while encouraging and promoting a balanced community, and providing a sound economic base. The incorporation of Green Building concepts are important to the effort of satisfying the policies of the General Plan and the desires of residents and community leaders alike. In addition, Measure U establishes that the project shall be evaluated with reference to its utilization of water conservation measures, energy conservation measures, and other energy efficient techniques, materials, and appliances.

Considering the foregoing, the City of Hollister has identified Rating Criteria that award points to projects incorporating techniques that maximize energy efficiency and the conservation of resources. The more the project is able to work in harmony with the existing environment, including the terrain, and trees, the higher the number of points assessed. The project evaluation process will provide greater valuation to projects that maximize energy efficiency and conservation, including construction materials, landscaping and maintaining the natural environment and setting, and any quantifiable reduction in energy use as compared to standard construction practices.

For homes designated as "Solar Homes," industry standards shall be followed in determining whether the homes receive points. A recognized State of California certification program, or a PG&E certification program are examples of what will be acceptable. A Passive Solar Home shall reduce overall average energy usage a minimum of 45 percent; an Active Solar Home shall reduce overall average energy usage a minimum of 85 percent.

Housing Density Mix: The City of Hollister Growth Management Program, Chapter 16.64 of the Municipal Code declares a desire of the City to encourage the construction of an appropriate share of housing for all income segments of the population, including the provision of rental housing, and housing for seniors, while maintaining a sound economic base. In addition, Measure U states that the project shall be evaluated with reference to whether it provides a mix of housing types, and otherwise furthers the goals of the Housing Element of the City's General Plan.

With the foregoing points in mind, the City of Hollister has identified Rating Criteria that awards points for the provision of a mix of housing types in a single development. All projects are encouraged to provide housing for all segments of the population, according to the State of California Regional Housing Needs Assessment (RHNA). Points are based on the percentage of low income units in the individual development.

Housing Types are defined as follows:

- Detached Single-Family
- Attached Single-family
- Vertical Mixed Use
- Custom Lots
- Manufactured Homes
- Second Dwelling Units
- High Density/Multi-Family

Design Elements: The City of Hollister Growth Management Program, Chapter 16.64 of the Municipal Code, in implementing the policies and objectives of the General Plan, declares the intent of the City to encourage high quality development leading to the sustainable long-term growth of the City. Efforts are realized through projects incorporating a high quality design, with ample variety to provide options to residents and to provide a lasting product. Part of high quality design is the treatment of the existing site, including the preservation of desirable features, particularly historic or cultural features. Quality design features take into account the design and utilization of the site itself, and the built environment. Measure U states the project's site design shall be evaluated with reference to its conformity to the natural topography, its use of open space, and the preservation of such resources as existing housing units, trees, water recharge areas, and historical buildings. The site layout shall be evaluated for the preservation of desirable views, vistas, and view corridors. Other criteria include the provision of on-site privately maintained recreational amenities such as open spaces, improved park areas, bike paths, and foot trails.

Applicants are encouraged to incorporate multiple features in their projects and provide supplemental design information in their applications. Per Measure U, the project shall be evaluated with reference to the quality of construction, architectural style, level of architectural relief and detailing, aesthetic landscaping, and the use of harmonious colors, which blend with the natural environment. The project shall be evaluated for its unique character and its compatibility with existing adjacent residential neighborhoods and land uses.

The preservation of parkland and open space is a very desirable amenity and leads to a harmonious environment and encourages a high level of well-being among the residents of Hollister. Therefore, projects that provide parks and open space in excess of the minimum requirements are strongly rewarded, receiving higher point scores.

Parkland points are awarded for the provision of "Passive Features," "Active Features," and "Active Features in a Structure." Examples of Passive Features would include a picnic grove, and a rose garden; Active Features include such things as a basketball court and a tennis court; Active Features in a structure would include a recreation center and a swimming pool.

All upgraded design features for purposes of increased fire safety and police security shall be in accordance with approved industry standards, with the emphasis being that features awarded points are above and beyond minimum requirements. Increased public safety measures may include increased overall fire safety and preparedness plans; fire resistant building materials, and site and construction techniques, such as fire sprinklers, class A roof, stucco siding, masonry patios, fire resistant landscaping. Additional school safety elements may include provisions for safe walking routes for school children, recognized ancillary pedestrian safety features, or provision of after school or day care programs.

Application Process

The City has provided a Residential Development Application under Measure U for completion by the applicant for use as an initial screening process. The initial screening process provides benefits to both the City and the applicant. The process will enable the applicant to determine if the proposed project meets the City's minimum requirements prior to investing time and money in completion of the required documents for the tentative map application. All Residential Development Allocation Applications under Measure U shall be submitted to the City at the following address no later than **March 31, 2009:**

City of Hollister Attn: Development Services Department 420 Hill Street, Building A Hollister, CA 95023

The Development Services Department, in consultation with other City departments, will review each Residential Development Application under Measure U and will prepare a report for review by the Planning Commission, based on an objective evaluation of the projects' individual merits, as scored against the criteria. It should be noted that the City of Hollister intends to allocate portions of the total available units to specific General Plan areas. These General Plan areas have been identified as Affordable, Mixed Use Commercial, West Gateway, High and Medium Density Residential, Low Density Residential, and Small Projects. Because each of the areas have unique opportunities and constraints, each application will be compared against other applications in the same land use areas.

The Planning Commission shall hold a public hearing and shall review the report submitted by the Development Services Department. The Department shall assess a final point score for each application and competitively evaluate each project application and establish a ranking for each project based upon its assigned score.

Rating criteria is attached as Exhibit A and the application form is attached as Exhibit B.

Allocations by General Plan Land Use Designations Round 1

The City of Hollister will be allocating for building units under Measure U (Ordinance 979) for calendar years 2008, 2009, and 2010. Each calendar year represents 244 residential dwelling units, 40 of which need to be available for low and very-low income housing. Based on an existing ordinance and a performance agreement, the first year allocation is reduced by 23 units. Therefore, the number of units available in 2008 is 221, 2009 is 244, and 2010 is 244. Round 1 will include a total of 709 residential dwelling units.

The City Council has determined that allocations should be distributed by General Plan land use districts with the exception of small projects. Small projects are defined as nor more than 8 total units. Those land districts permitting residential uses have been prioritized as follows:

LAND USE PRIORITY	ALLOCATIONS
Affordable	120*
Mixed Use Commercial	100
West Gateway	50
High and Medium Density Residential	260
Low Density Residential	160
Small Projects	19
Total	709

In the event that units are not used in a land use category, they can be moved to another land use district at the direction of the City Council.

^{*} Affordable housing units are defined as those units restricted to Low and Very Low income, for sale or rental, and can be provided in any of the General Plan Land Use Districts.

EXHIBIT A RATING CRITERIA

The following questions will receive three (3) points in the event the answer is "Yes." Possible points within this category is eighty-one (81).

- 1. Is the project within the existing city limits?
- 2. Does the proposed project development team have experience in similar projects to complete the project within the allocated timeframe presented in the application?
- 3. Is the project outside an identified flood hazard area?
- 4. Is the project adjacent to existing urbanized development and services?
- 5. Can the project access an existing City water main without requiring the extension of a water main?
- 6. Can the project access an existing sewer trunk line without requiring the extension of a sewer trunk line?
- 7. Is the project within the Redevelopment Project Area?
- 8. Will the project reuse any existing buildings or structures?
- 9. Is the project served by existing city streets?
- 10. Does the project include the completion of needed improvements to existing streets, either on-site or off-site?
- 11. Does the project provide multiple access streets to the project site?
- 12. Does the project provide any residential units other than standard market-rate, detached single-family units?
- 13. Are at least 10% of the units at higher density than the City's General Plan low-density definition of 8 units per acre?
- 14. Are at least 25% of the units at a higher density than the City's General Plan low-density definition of 8 units per acre?
- 15. Are at least 50% of the units at a higher density than the City's General Plan low-density definition?
- 16. In order to assist the city in meeting its RHNA requirements, does the project provide residential units affordable to moderate income households?

- 17. In order to assist the city in meeting its RHNA requirements, does the project provide residential units affordable to low income households?
- 18. In order to assist the city in meeting its RHNA requirements, does the project provide residential units affordable to very-low income households?
- 19. In order to assist the city in meeting its RHNA requirements, does the project provide residential units affordable to the extremely-low income households?
- 20. Is a low-income housing company, agency, or non-profit included in the project team in order to ensure the construction and occupancy of residential units identified as affordable.
- 21. Does the project include a mix of housing types, such as town-homes, condominiums, or apartments?
- 22. Will the project provide at least one permanent job per residential unit?
- 23. Will the project generate any retail sales tax revenue to the city?
- 24. Will the project generate more than \$200 per year in sales tax per residential unit?
- 25. Does the project provide more than the required park enhancements, dedication of new parkland, or in-lieu fees in order to provide better amenities for on-site parks or off-site parks?
- 26. Does 25% of the units have at least one entry, one bathroom on ground floor and one bedroom on ground floor that is "accessible?"
- 27. Will the project development utilize at least 25% of labor and materials from San Benito County sources?

The following questions will receive two (2) points in the event the answer is "Yes." Possible points within this category is seventy-four (74).

- 1. Are electrical and gas service already provided to the site?
- 2. Will the project maintain or lower the existing peak flow of all storm drainage systems?
- 3. Is the project site located within the average response time for emergency and medical vehicles?
- 4. Will the project include on-site security in perpetuity?
- 5. Will the project provide new development on a blighted or an otherwise under-utilized site?

- 6. Has the project minimized the use of any new cul-de-sacs?
- 7. Is the project designed such that sound walls are minimized?
- 8. Will the project be covered by a Home Owners Association or Property Owner/Manager?
- 9. Are common areas, including any roadways, landscaping, or sound walls (if required), to be maintained by a Home Owners Association or Property Manager?
- 10. Does the project provide other bicycle or pedestrian amenities, such as benches, either on-site or off-site?
- 11. Does the project propose the installation of high efficiency electrical systems?
- 12. Does the project include the use of solar efficient reflective roofs?
- 13. Will the maximum extent of site grading on the project site consist of standard surface grading and trenching?
- 14. Does the project preserve the natural settings and features of the site or provide for enhancements to other natural areas of city?
- 15. Does the project provide a mix of lot sizes or building setbacks?
- 16. Does the project provide for a variety of building footprints?
- 17. Does the project provide any units specifically for special needs residents, including senior age restricted residences?
- 18. Will the project provide any new permanent jobs within the city?
- 19. Does the project include the enhancement of any historic resources, either on-site or off-site?
- 20. Is the project designed to allow alternate street presentation for the residential units, i.e. alleys loaded residential units?
- 21. Does the residential design provide for a variation of garage locations?
- 22. Does the project provide a variety in façade treatments?
- 23. Does the project provide for a variety of setbacks to buildings?
- 24. Does the project avoid sharp or angled lots?

- 25. Are the residential properties and any common areas provided with water conserving landscaping?
- 26. Will the residential units include fire sprinklers?
- 27. Will the residential units be constructed with approved fire resistive materials?
- 28. Will the project provide visual and architectural distinction between the units?
- 29. Will the project provide five or more elevations designs for the front of the units?
- 30. Has the project been comprehensively designed and reflects quality development?
- 31. Does the project retain all existing wetlands or designated wildlife habitat areas?
- 32. Does the proposed project provide any passive recreational features?
- 33. Does the proposed project provide any active recreational feature?
- 34. Does the project include conjunctive use arrangements with the school district to maximize the use of recreational lands?
- 35. Will the project applicant contribute additional parkland development impact funding of at least 25% of the existing fee.
- 36. Will the project applicant contribute additional school impact funding of at least 25% of the existing fee?
- 37. Will the project applicant contribute funding to the library of at least \$100.00 per unit?

The following questions will receive one (1) point in the event the answer is "Yes." Possible points within this category is thirty-two (32).

- 1) Does the project provide bicycle and pedestrian linkages, either on-site or off-site?
- 2) Does the project provide bike lockers or racks either on-site or off-site?
- 3) Does the project provide public transit amenities either on-site or off-site?
- 4) Does the project provide a recycling program to reduce construction waste?
- 5) Does the project incorporate the use of sound reduction techniques and construction materials?
- 6) Will the residential units use building insulation with minimum 25% recycled content?

- 7) Will a reclaimed water (purple pipe) system be installed in landscape areas of the proposed project?
- 8) Do the grading activities of the project site balance?
- 9) Will shade trees be provided along the southern and western sides of residential properties?
- 10) Does the project provide for the use of passive solar systems in a majority of the residences?
- 11) Are the units designed and wired for the use of active solar systems in a majority of the residences?
- 12) Are a majority of the residential units oriented with broad southern exposure to maximize solar benefit?
- 13) Are two story units less than half of the total units?
- 14) Are two story units restricted from being next to each other?
- 15) Are two story units provided with an increased side yard setback?
- 16) Will the residential units be provided with a variety of front yard landscaping?
- 17) Will the residential development be provided with high performance outdoor lighting?
- 18) Will the development include lighted curb address numbers?
- 19) Will the residential units be provided with hard-wired alarm systems?
- 20) Will the residential units be provided with hard-wired video surveillance systems?
- 21) Will the project site be provided with hard-wired video surveillance along the public right of way for future use by the Hollister Police Department?
- 22) Does the project include a set-aside for financial incentive for a Neighborhood Watch Program or Neighborhood Emergency Preparedness Program?
- 23) Does the proposed project include a detailed set of design guidelines?
- 24) Will the project provide a harmonious use of external materials creating a consistent look to the building façades?
- 25) Does the project design include no repetition of floor plan or elevations directly across the street?

- 26) Does the project design include no repetition of floor plans or elevations adjacent on either side?
- 27) Will the project incorporate a minimum of two roof lines and pitches consistently throughout project site?
- 28) Is the project site free of, or provide support for the preservation of, riparian corridors or waterways?
- 29) Is the project site free of, or provide support for the preservation of, creeks and natural waterways?
- 30) Does the project provide common areas for open space and adequate buffers at the urban/non-urban interface?
- 31) Does the project have any other distinguishing features and/or community enhancements?
- 32) Will the project applicant contribute a minimum of \$100.00 per residential unit allocated to a local non-profit organization conducting business in the City of Hollister?

APPENDIX A MUNICIPAL CODE, CHAPTER 16.64 Growth Management Program

16.64.010 Findings and declaration of intent.

Findings. The city council finds and determines as follows: The city has adopted a general plan that is designed to provide a comprehensive plan intended to govern the of the city through the planning period to the year 2010. The general plan establishes policies that are intended to guide the location and nature of future development, including residential development, in order to ensure that the city's goals are achieved. Included are policies which require the city to limit development to that which can be supported by an adequate water supply, adequate sanitary sewer and treatment capacity, adequate fire and police protection, an adequate transportation system meeting the prescribed levels of service, as well as other services that are required to maintain desired goals of the city. The general plan requires that development, including residential development, be located and designed to ensure that the public is safe from flooding and earthquake hazards, and that development is in conformance with federal, state and local regulatory programs designed to protect the historical and biological environments of the city and the surrounding planning area, and that there are adequate park and recreational facilities available to serve city residents. The city has adopted a fiscal neutrality policy requiring new residential development to provide adequate revenues to fund the cost of the services required by the development. In order to implement the general plan, and to protect the health, welfare and safety of the city's population, the city has adopted regulatory ordinances such as the city zoning ordinance and subdivision ordinance. The adopted zoning and subdivision regulations alone are insufficient to provide for comprehensive development review and approval procedures, including review and approval procedures for residential development that will accommodate various levels of housing needs, while ensuring the availability of adequate municipal services and facilities, within the context of environmental, safety and infrastructural constraints.

The city council therefore finds it necessary to adopt a growth management program to implement the policies and objectives of the general plan and to protect and promote the public health, safety and welfare. The provision of special needs housing, including affordable, below market rate, senior and rental housing, is necessary for the economic and social well being of the community and is necessary to implement the housing policies of the general plan. The city's growth management program identifies categories of special needs housing, and is intended to provide for adequate levels of affordable, senior and rental housing within any adopted growth limit.

B. Declaration of Intent. This chapter is intended to: Encourage a rate of residential growth within the city which will not exceed the city's ability to provide adequate and efficient public services, including sewer, water, police, fire, streets, parks, general administration and maintenance of public facilities, or the ability of the local economy, including the city's financial capacity, to support such growth, maintain and improve the quality of the environment considering the city's natural setting, including water courses, viable agricultural/open lands, recreational, historic and scenic areas; encourage and promote a balanced community with adequate housing to meet the needs of local employment and residents; encourage the construction of an appropriate share of the regional need for housing; encourage and promote housing programs and activities to enable the city to meet the needs of all economic segments of

the community, including the provision of adequate levels of rental housing; and, provide and maintain a sound economic base for the city. (Ord 959 § 1 (part), 2001)

16.64.020 Application of article.

The provisions of this chapter shall apply to all residential development projects proposed to be constructed in the city. (Ord 959 § 1 (part), 2001)

16.64.025 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter.

"Affordable housing" means housing units affordable to families earning at or below one hundred twenty (120) percent of the county median income, including very low, low, median and moderate income units. The specific affordability levels shall be established by resolution of the city council.

"Below market rate housing" means housing units with prices or rental levels established at less than market rate, and affordable to families earning above one hundred twenty (120) percent of the county median income. The specific affordability levels shall be established by resolution of the city council.

"City" means the city of Hollister, its boards and commissions, and its officers, employees and agents.

"Director" means the director of community development, or his/her designee.

"Market rate housing" means housing units selling or renting for prices or levels set by the housing market.

"Planning Commission" means the planning commission of the city.

"Residential development project" means any application for a discretionary land use permit, approval or other entitlement, which requires the award of allocations, including without limitation, applications for conditional use permits, site and architectural review, parcel maps, and tentative maps, unless otherwise exempt by the provisions of this chapter.

"Senior housing" means housing that is available only to seniors, in accordance with state and federal housing laws and guidelines. At least forty (40) percent of senior housing project units shall be in an affordable range, as established by resolution of the city council.

"Small residential project" means a residential project consisting of no more than eight single family residential units or lots, or a subdivision of land into no more than eight lots, or a rental housing project consisting of no more than twenty (20) units. This classification shall not apply to projects which, within any five year period, when combined with any other small residential projects as defined herein, and involving all or part of the same parcels of land, or contiguous parcels, would result in the development of more than eight total residential units, or twenty total rental housing units.

"Special needs housing" means housing that is referred to or defined in this chapter as below market rate housing, affordable housing, senior housing, and small residential projects. (Ord 959 § 1 (part), 2001)

16.64.030 Exemptions.

All approved residential units, including exempt units, shall be accounted for and included in the city's growth limits as set forth in Section 16.64.040. A residential project may qualify for no more than one of the following exemptions:

- 1. Replacement residential units or the relocation of an existing dwelling unit to a legal lot of record;
- 2. Single family residential units to be constructed on single legal lots of record in existence prior to July 1, 2000;
- 3. Secondary residential units subject to the provisions of Section 17.44.180 of this code. (Ord 959 § 1 (part), 2001)

16.64.040 Growth limits.

- A. Criteria for Setting Five-Year Growth Limits. Prior to the commencement of each five-year housing goal period, the city council shall determine the maximum number of residential units to be built during the ensuing five years, consistent with the intent of this chapter, city policies, plans and ordinances, and based upon a consideration of the following: The city's regional fair share housing needs; existing or reasonably anticipated environmental, public facility and service constraints including the availability of adequate sewer, water and road facilities and services, libraries, fire and police facilities and services, and park and recreation facilities; the city's fiscal ability to support additional residential development; protection of the public health, safety and welfare of the city's population; and other information deemed relevant by the city council to the adoption of growth limits.
- B. Procedure for Setting Five-Year and Annual Growth Limits. Five-year housing growth rates shall be established by the city council prior to the expiration of the then current five-year period. Prior to the commencement of a new five-year housing goal period, the city council shall hold a public hearing, which may be continued from time to time, for the purpose of considering and adopting five-year and annual growth limits. The five-year and annual growth limits shall address specific housing needs, and shall at a minimum establish growth limits applicable to special needs housing, as defined herein. (Ord 959 § 1 (part), 2001)

16.64.045 Growth limit established.

- A. Annual Growth Limit. For the five-year housing goal period beginning the later of January 1, 2004, or the date on which the city's sanitary sewer treatment plant is available to accept additional capacity, the annual growth limit is established at two hundred forty-four (244) residential units per year. The city council finds that this growth limit is consistent with the housing policies of the city and regional housing needs as set forth in the general plan, and is based upon city reports, resolutions, ordinances, and public hearings analyzing, informing, evaluating and implementing housing policies and growth management in the city. The growth limit of two hundred forty-four (244) units per year is based upon 2.25 percent of the city population as established by the 2000 census data, using a State of California estimate of three thousand one hundred and sixty-eight (3,168) persons per housing unit, as more specifically set forth in reports submitted to the city council with regard to population and housing growth rates and residential development approval.
- B. Annual Growth Limit by Category. In accordance with the provisions of this chapter, and based upon the city's housing needs and requirements, the number of units which may be approved on an annual basis, by type or category of unit, is as follows: seventy (70) market rate units, forty-eight (48) below market rate units, forty-eight (48) affordable housing units, forty-eight (48) senior housing units, and thirty (30) small residential project units; provided, however, that in awarding allocations or setting build-out schedules for residential projects in the specific housing categories, the planning commission may approve additional

units to a specific housing category in any given year, as long as the maximum annual growth limit for number of units is not exceeded, and the five year total number of units for each specific housing category is not exceeded. (Ord 959 § 1 (part), 2001)

16.64.050 Residential development projects.

Only those applications deemed complete by the community development department shall be processed in accordance with this chapter. Applications for residential development projects shall not be deemed complete by the community development department, nor shall a residential development project be approved or a building permit issued until a project has been awarded allocations and assigned a build-out schedule, or has been determined to be exempt. (Ord 959 § 1 (part), 2001)

16.64.055 Applications for residential development allocations.

- A. Allocations. All applicants for residential development projects shall first be required to obtain residential development allocations in accordance with the provisions of this chapter. Applications shall be submitted to the city, community development department, in accordance with application schedules established from time to time by resolution of the city council.
- B. Complete Application. An application for allocations shall not be deemed complete unless and until all of the following criteria are met:
- 1. The application is consistent with the applicable general plan designation for the subject property or project site, and the property or site is zoned for the residential density and use proposed.
- 2. The city council has adopted growth limits and has established an application schedule in accordance with the provisions of this chapter, and allocations are available for the type of project proposed.
 - C. General Provisions.
- 1. Applications for residential development allocations shall contain all information and fees requested on the city application.
- 2. Application fees shall be established from time to time by resolution of the city council.
- 3. Applicants may withdraw their application for residential development allocations at any time during the process. Application fees will not be refunded, unless the written request for withdrawal is received by the community development department within ten (10) days of filing. (Ord 959 § 1 (part), 2001)

16.64.070 Project rating scales.

The city council shall adopt by resolution one or more project rating scales for use by the planning commission in its competitive evaluation and ranking of projects hereunder. (Ord 959 § 1 (part), 2001)

16.64.080 Competitive evaluation and assignment of build-out schedule.

A. Report to Planning Commission. The community development department shall review each application for residential development and the director shall prepare a report for review by the planning commission. The report may include recommendations as to the point

scores that may be assigned to each project application, utilizing the rating scales established pursuant to Section 16.64.070.

- B. Planning Commission Hearing. The planning commission shall hold a public hearing and review the report. The commission shall assign a point score in accordance with the project rating scale to each residential development project for which an application has been deemed complete by the department. The planning commission shall also competitively evaluate each residential project and establish a ranking for each project based upon its assigned score.
- C. Planning Commission Determination. The planning commission shall approve allocations and build-out schedules only for those projects for which the commission determines that building permits can be issued within the applicable growth limit period. If the commission finds that, due to environmental or other reasons, including without limitation the fiscal ability of the city to serve and maintain the project site, a given project is detrimental to the public health, safety, and welfare, the commission may determine not to approve the application, regardless of its score on the project rating scale or the availability of allocations. in considering the award of allocations, the planning commission may give priority to subsequent phasing and build-out of previously allocated and/or approved projects for which substantial public infrastructure improvements (beyond over-sizing of sewer and water utility lines) have been constructed to serve such future phases.
 - D. Modifications to Project.
- 1. When building permits are requested for any residential project assigned a build-out schedule, the community development director shall review such project for conformance with the project as it was proposed when assigned a build-out schedule by the planning commission. If the director determines that there have been significant modifications to the project including, without limitation, modifications that would have significantly affected its point rating or competitive evaluation hereunder, then no building permits shall be issued for the project unless approved by the commission. To approve the project eligibility for such permits, the commission shall find that the proposed modifications result in a substantial improvement over the project for which a build-out schedule had been assigned. If the director finds that the modifications to the project are not significant, such a finding shall be forwarded as a recommendation to the commission. The commission may instead determine that the proposed modifications are significant and subject to review under this chapter prior to the issuance of building permits for the project.
- 2. No building permits shall be issued for a residential development project pursuant to an approved build-out schedule unless the project is to be built on the same physical site as was originally applied for and evaluated. Build-out schedules shall not be transferable independent of the project for which they were assigned. (Ord 959 § 1 (part), 2001)

16.64.085 Growth limit allocations.

The maximum growth limit for any year need not be fully allocated. (Ord 959 $\$ 1 (part), 2001)

16.64.090 Agreement to perform.

No later than ninety (90) days after the award or approval of allocations and a build-out schedule by the planning commission, the applicant, or its successor in interest for any residential development project, shall agree in writing, on a performance agreement form provided by the city, to a set of performance criteria and project standards. These criteria and

standards shall include, without limitation, a specific date for the submittal of a complete development application, including without limitation tentative map, site and architectural review, or conditional use permit application, for each phase of the project. If a complete development application has been made at the time the performance agreement is entered into, then as to each such phase, the performance agreement shall set forth a specific date for the submittal of a complete application for the next approval to be obtained for such phase. The performance agreement shall be effective when executed by the director and the applicant. The agreement shall include, without limitation, a date specific schedule for obtaining final map or building permit approval, whichever applicable, for each phase of the project.

The agreement shall require the applicant to pay a nonrefundable deposit for the project, the amount of which shall be established from time to time by resolution of the city council. Unless otherwise established by the council, the deposit due for the project shall be paid at the time a development application is approved for the first phase of the project, or if such project approval is obtained prior to the time the performance agreement is entered into, then the deposit shall be due upon execution of the performance agreement by the applicant. The deposit shall be fully credited to subsequent development application and processing fees for the project if the applicant complies fully with the terms of the agreement.

If the applicant fails to enter into the performance agreement within the required time frame or fails to pay the required deposit by the specified date, the build-out schedules for all phases of the project shall immediately, without further action, become null and void. If the applicant fails to file a complete development application for a project phase by the date specified in the performance agreement, or fails to obtain final map approval or be issued a building permit for a phase specified in the performance agreement, or if the development application expires, the build-out schedule for the affected phase shall immediately, without further action, become null and void. The applicant may appeal to the planning commission to reinstate the build-out schedule. In order to reinstate a build-out schedule, the commission must find that the applicant's failure to perform was due solely to circumstances beyond the applicant's control. (Ord 959 § 1 (part), 2001)

16.64.100 No vested rights.

No action taken pursuant to this chapter with respect to any residential development project, including without limitation, the setting of any growth limits, the rating of a residential development project, the granting of any allocations or build-out schedules, or the execution of a performance agreement, by the city council, planning commission, or any city official, and no action taken pursuant to this chapter by any applicant, owner or developer, including without limitation, the payment of fees or deposits, shall result in the creation or vesting of any rights whatever by any such applicant, owner or developer with respect to the project, including the right to receive any city approvals or permits, or to construct any residential units or other improvements. (Ord 959 § 1 (part), 2001)

16.64.110 Existing projects—Special unit allocations.

Applications for special unit allocations submitted to the community development department on or before May 30, 2001 and deemed complete by that department, shall be processed in accordance with the provisions of Ordinance 950, as amended, and its implementing ordinances and resolutions, unless and until said ordinances and resolutions are expressly superseded by subsequent action of the city council. Ordinance 950, as amended, is

hereby realleged and adopted by this reference thereto, and shall remain in full force and effect to the extent such ordinance, as amended, and its implementing resolutions and policies, govern the procedure for processing and approving pending applications for special unit allocations. (Ord 959 § 1 (part), 2001)

16.64.115 Hardship allocations.

- A. A maximum of fifteen (15) hardship allocations shall be made available to any residential development project which meets the following criteria:
- 1. The proposed project consists of a subdivision of land into no more than fifteen (15) lots;
- 2. All utilities and infrastructure necessary to serve the proposed subdivision, including streets, curbs and gutters were installed, and approved and accepted by the city prior to April 2001.
- B. In granting allocations pursuant to this section, the planning commission shall make the following findings:
- 1. There exists adequate infrastructure to serve the project, including available sewer and water; and
- 2. The granting of allocations does not exceed the city's annual growth limit. (Ord. 992 § 1, 2004)

16.64.120 Development agreements.

To the extent any provision of any development agreement entered into pursuant to Sections 65864, et seq., of the Government Code, is inconsistent or conflicts with any of the provisions of this chapter or any rule, regulation or procedure adopted pursuant to this chapter, the provisions of such development agreement shall control over the provisions of this chapter or any rule, regulation or procedure adopted pursuant to this chapter. (Ord 959 § 1 (part), 2001)

16.64.130 Judicial review.

Any judicial action or proceeding to review or challenge any action or proceeding pursuant to or under this chapter, must be filed in a court of competent jurisdiction within thirty (30) days of the date of the action or proceeding sought to be reviewed or challenged. (Ord 959 § 1 (part), 2001)

EXHIBIT B

RESIDENTIAL DEVELOPMENT APPLICATION UNDER MEASURE U

Project Name	
Project Location	
Project Applicant	
Date	
Please provide a proposed project unit mix prosize, affordability, special need, and identify num	
Detached Single Family Attached Sin	gle Family
Vertical Mixed Use Custom Lots	Manufactured Homes
Second Dwelling Units	
Number of new units requested	
Number of rehabilitated units requested	
Total number of units requested	
Project Area	
General Plan Designation	